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Chair: Mr. Haniff (Chair) ..... (Malaysia)
later: Ms. Popovici (Vice-Chair) ..... (Republic of Moldova)

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The meeting was called to order at 10.05 a.m.

Organization of work

1. **The Chair** said that he wished to express his concern with regard to the smooth running of the work of the Third Committee and referred to the open-ended consultations, in which he had been mandated, as the Chair of the Third Committee, to find a solution to the issue of the order of speakers. Members had made it clear to him during those consultations that the current interim measure should not create a precedent. Since the first consultation he had maintained that the core issue was a question of principle. Therefore, he had not fixed a pattern for the order of speakers; instead, he had rotated the order during the past few weeks. However, it had become clear that was not a solution, as it did not address the issue of principle. A number of delegations had asked him to suspend the previous meeting to allow consultations to take place. He had done so in the hope of finding a solution, but unfortunately, many delegations had hardened their positions, making it more difficult.

2. As Chair, he had to ensure that the work of the Committee continued uninterrupted. In order to allow the Committee to continue its work, he ruled, as an interim measure pending a final conclusion on the issue, that delegations should respect and adhere to the issue of principle. Any major groups that wished to speak earlier could make arrangements to exchange with other speakers, which was a normal practice used by many delegations. On that basis, the order of speakers for major groups for the meeting would be: Rio Group, Caribbean Community (CARICOM), Association of Southeast Asian Nations (ASEAN), Southern Common Market (MERCOSUR), and then the European Union. For the current meeting ASEAN and the European Union had mutually agreed to an exchange. Any delegation unhappy with the Chair's ruling could of course challenge it, but the consequences of such a challenge would be that the ruling would be put to a vote. Therefore, he appealed to all delegations to allow him to conduct his work. In the absence of the representative of Chile on behalf of the Rio Group, he would give the floor to the representative of Suriname, speaking on behalf of the Caribbean Community (CARICOM).

Agenda item 69: Promotion and protection of human rights (*continued*) (A/66/87)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/66/156, A/66/161, A/66/203, A/66/204, A/66/216, A/66/225, A/66/253, A/66/254, A/66/262, A/66/264, A/66/265, A/66/268, A/66/269, A/66/270, A/66/271, A/66/272, A/66/274, A/66/283, A/66/284, A/66/285, A/66/289, A/66/290, A/66/293, A/66/310, A/66/314, A/66/325, A/66/330, A/66/342, A/66/342/Add.1, A/66/372)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/66/267, A/66/322, A/66/343, A/66/358, A/66/361, A/66/365, A/66/374, A/66/518)

3. **Mr. MacDonald** (Suriname), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM would respect the Chair's ruling.

4. Development gains over the past years were being reversed, with developing countries and vulnerable populations disproportionately affected by pervasive poverty, increasing inequalities between and within countries, the spread of infectious diseases, armed conflicts, intolerance, environmental degradation and natural disasters. CARICOM States reiterated the interrelatedness and indivisibility of all human rights, but were concerned that economic, social and cultural rights appeared to have been relegated to lesser importance. Although it was the primary responsibility of Governments to implement the right to development, the importance of international cooperation in providing an enabling environment could not be overemphasized.

5. CARICOM noted that rising food prices, spurred by persistently high energy prices, led to increasing levels of poverty and put a strain on the realization of the right to food. The CARICOM Council for Trade and Economic Development (COTED) had thus endorsed a Regional Food and Nutrition Security Policy, which aimed to, inter alia, strengthen long-term sustainable agriculture, food security, nutrition and rural development programmes to eliminate the root causes of hunger and poverty, including through the progressive realization of the right to adequate food. As a result Member States had adopted policies to change consumption patterns and that advocated "eat

what you produce" and a balanced diet. Raising agricultural production was critical to food security. Therefore, obstacles, including high energy prices, unfair competition rules, market opportunities for developing countries, especially small island developing States, and mitigating the effects of climate change should be addressed.

6. With regard to the report (A/66/270) of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the disaster-prone Caribbean region had firsthand experience of guaranteeing the right to adequate housing in post-disaster settings. Natural disasters also compromised the right to health, water and sanitation and education, particularly of disadvantaged groups. Therefore, a comprehensive approach was of the utmost importance in the recovery and reconstruction response. CARICOM called on the international community to fulfil its promises to the Haitian Government to support the construction of permanent housing, rather than focus on immediate needs following the 2010 earthquake.

7. CARICOM countries, the majority of which were not represented in Geneva, welcomed the opportunity provided by the New York Chapter of the Review of the Human Rights Council and were pleased that the General Assembly had adopted the outcome of the process by consensus. The decision to institutionalize the arrangements for the presentation of the report of the Human Rights Council to both the Plenary of the General Assembly and the Third Committee would provide an opportunity for all member States, particularly those with limited or no representation in Geneva, to participate meaningfully in the debate on the work of the Council.

8. Human rights education was essential to the full realization of human rights and fundamental freedoms and to fostering tolerance and respect for the dignity of others. The adoption by the Human Rights Council of the United Nations declaration on human rights education and training (A/HRC/RES/16/1) was a concrete example of the resolve of Member States to increase attention to human rights education, and CARICOM looked forward to its adoption by the General Assembly.

9. **Mr. Varilas** (Observer for the European Union), speaking also on behalf of the candidate countries Croatia, Iceland, Montenegro, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and Serbia; and in addition, Armenia, Azerbaijan, Georgia, Liechtenstein, Norway, the Republic of Moldova and Ukraine, thanked the Chair for his efforts to find a solution to the problem of the order of speakers. While his delegation wished to contribute to the smooth functioning of the Committee, it would like to reserve its position on the criteria outlined by the Chair pending verification that they were in line with the positions of principle that had been expressed on that issue.

10. No country was immune from criticism and all States must be subject to international scrutiny. His delegation therefore encouraged the Committee to consider thematic issues and specific country situations. There had been, and continued to be, unprecedented upheavals in many countries of the Middle East and North Africa in 2011, with more and more citizens calling for greater democracy, respect for fundamental rights, the rule of law, social justice and economic opportunities. Under its European Neighbourhood Policy, the European Union was sympathetic to and actively supported those positive changes and would remain vigilant on all human rights issues, especially women's human rights, in those countries.

11. Tunisia had taken significant steps in its democratic transition, notably the recent democratic elections and the ratification of three core human right treaties and the Rome Statute of the International Criminal Court. Promising developments were underway in Egypt, although concerns remained about the continued application of emergency rule, the use of military tribunals to try civilians and the interreligious tensions. The European Union was also encouraged by the statements of the Chairman of the National Transitional Council of Libya on the need to respect the standards of international human rights and humanitarian law. However, the reported cases of arbitrary detention and extrajudicial killings gave cause for concern. The European Union called on the new Libyan authorities to cooperate fully with the International Criminal Court.

12. The European Union remained very concerned about the situation in Bahrain, particularly the detention of medical professionals. Some positive steps had been taken, notably the establishment of the Bahrain Independent Commission of Inquiry, but

meaningful national reconciliation should be actively promoted and a process of reform adopted. The situation in Yemen was extremely worrying, where serious human rights violations and abuses had taken place in a context of near impunity. The European Union called for the bloodshed to stop immediately and for an inclusive, orderly and peaceful process of political transition to be implemented rapidly, in line with the plan drawn up by the Gulf Cooperation Council. It also urged the Government of Yemen to act without delay on the recommendations made in the report further to the visit to Yemen of the Office of the High Commissioner for Human Rights (OHCHR) and Human Rights Council Resolution 18/19.

13. Women had taken leading roles in the Arab Spring, and the recent award of the Nobel Peace Prize to three distinguished women underlined the crucial role women played in conflict resolution and peace building. Yet the continued impediments to the full empowerment of women everywhere had been illustrated by the joint report of OHCHR and United Nations Assistance Mission in Afghanistan (UNAMA) on Harmful Traditional Practices and Implementation of the Law on Elimination of Violence against Women in Afghanistan. Given that the crucial situation of women's rights was exacerbated in conflict situations, as was the case in the Democratic Republic of the Congo, the requests made in Security Council resolution 1960 (2010) were particularly important.

14. A country's transition to a better, peaceful and sustainable future required putting an end to impunity. Thus it was very important for the Government of Sri Lanka to address the credible allegations of very serious human rights violations committed during the internal armed conflict through an independent process and bring the perpetrators to account. There was also a need to end impunity in Sudan and in South Sudan. His delegation fully supported an independent investigation into allegations of widespread human rights violations in Southern Kordofan and Blue Nile States, and called on all parties concerned to grant unhindered humanitarian access to all aid organizations. The situation also remained critical in Darfur.

15. Respect for freedom of opinion and expression, together with freedom of association and assembly, were the basis for an inclusive society. The European Union paid tribute not only to the invaluable work done by many journalists and media professionals around the world, but also to the many private citizens who had used modern information and communication technologies to reveal the truth about unfolding events. It recalled that freedom of expression extended to the Internet and called on all countries to promote the free flow of information on and individuals' access to the Internet. It noted with concern that restrictions on freedom of expression had intensified recently in China.

16. The European Union strongly condemned the continued harassment of the political opposition, independent media and representatives of civil society in Belarus and was deeply concerned about the amendments to legislation on social organizations, mass events and State security, which would represent yet another serious step backward in respect for human rights and the rule of law in Belarus. Persistent violations by Eritrea of its human rights obligations under both domestic and international law were also a matter of concern. The continued detention without trial of 11 Members of Parliament since 2001 and 10 independent journalists was unacceptable. His delegation called for the immediate release of all political prisoners in that country. The Government of Ethiopia also needed to take serious steps to improve respect for human rights, civil society, the media and political opponents. However, he welcomed the decision to commute the death sentence of 23 Derg officials earlier in the year.

17. Discrimination and acts of intolerance on the basis of religion or belief had been reported in many countries. It was also important to address the discrimination, persecution and ill-treatment suffered by lesbian, gay, bisexual and transgender persons in many parts of the world.

18. The European Union took note of the reports by the Secretary-General and relevant Special Rapporteurs on the human rights situations in Myanmar, the Democratic People's Republic of Korea and the Islamic Republic of Iran and echoed the conclusions and recommendations of those reports. Perhaps the most emblematic case of recent violent oppression of a regime against its own people was that of the Syrian Arab Republic. The European Union called for the perpetrators of crimes, including potential crimes against humanity, to be held to account; for an end to killings and arbitrary detentions; the release of political prisoners; and, respect for the freedom of assembly. It demanded that the Syrian authorities grant humanitarian agencies and workers unhindered and

continued access to the crisis areas, and restore basic services, including free access to hospitals. It also deplored the continued refusal of the Syrian authorities to allow the Office of the United Nations High Commissioner for Human Rights to visit the region or to cooperate with the commission of inquiry set up by the Human Rights Council, and demanded that the authorities took prompt action in that regard.

19. **Mr. Errázuriz** (Chile), speaking on behalf of the Rio Group, stressed the importance of respecting the human rights of all migrants, an issue of particular significance for the Americas, where the current society was a product of past and present migratory flows. The members of the Rio Group were proud of their multi-ethnic and multicultural character and believed that migration had enriched their societies. Unfortunately, the contribution of migrants to the economic and social development of their host societies was not sufficiently recognized, a problem that was aggravated by the global economic and financial crisis.

20. The Rio Group deplored the adoption of laws and regulations which criminalized migration. The Group urged Member States to put an end to excessive detention periods for migrants and to respect their dignity and human rights, to repeal laws adopted for political motives which tacitly encouraged illegal migration and to stop taking discriminatory or stigmatizing measures against certain groups of people.

21. The Rio Group agreed with the Secretary-General that women migrant workers were active contributors to development in countries of origin and destination. Violence and discrimination against them not only imposed costs on the individual women migrant workers, but also on their families, communities and states, thereby adversely affecting economic and social development. In addition, the Group was concerned that international criminal networks were trafficking migrants. Its members were committed to redoubling their efforts to prevent and combat human trafficking, including all forms of trafficking and exploitation of migrants, and to guaranteeing the protection and care of victims of those crimes, in particular women, children and adolescents. The Group urged States to establish and strengthen focal points to coordinate activities between countries of origin and destination to combat such crimes. It also recognized the importance of the right of migrants to return to their countries of origin safely and the need to foster the economic, social and political conditions there that would help them to thrive.

22. It was crucial to continue the campaign against racism and xenophobia and to defend the human rights of migrants, especially the most vulnerable groups, including women, children and young people. In that regard, the Rio Group highlighted the important cooperation between the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the Chair of the fourth Global Forum on Migration and Development, Mexico, in organizing a high-level consultation on promoting and protecting the rights of women migrant workers, which had contributed to the outcomes of the Forum round table on gender, family, migration and development.

23. **Ms. Silveira** (Uruguay), speaking on behalf of the member States of the Southern Common Market (MERCOSUR) and the associated States the Plurinational State of Bolivia, Chile, Colombia, Ecuador and Peru, said that the MERCOSUR member and associated States aligned themselves with the statement on behalf of the Rio Group. They reaffirmed that human rights were universal, indivisible and interdependent and that they contributed to the promotion of peace and sustainable development. In that regard, the Human Rights Public Policy Institute of MERCOSUR had begun operations. Its role was to contribute to strengthening the rule of law and consolidating human rights in member States.

24. The member States of MERCOSUR and associated States were concerned by the effects of the economic and financial crisis on the realization of all human rights, including civil and political rights, economic, social and cultural rights and the right to development. Those crises were not an excuse to violate human rights. Therefore, they urged developed countries to honour their commitment to dedicate 0.7 per cent of their gross domestic product to official development assistance by 2015.

25. The member States of MERCOSUR and associated States were united in their fight against discrimination. They deplored in particular the increase in religious intolerance and recognized the need, through dialogue and education, to combat all forms of incitement to religious hatred. They also denounced discrimination based on sexual orientation, called for the elimination of criminal sanctions imposed on persons because of their sexual orientation and urged

all States to redouble their efforts to put an end to related acts of violence.

26. They welcomed the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, which would contribute significantly to ending impunity. They invited those States that had not yet done so, to consider signing and ratifying the Convention.

27. The member States of MERCOSUR and associated States reiterated their commitment to strengthening and improving the effectiveness of the Human Rights Council, the Organization's main body responsible for the multilateral, objective and impartial treatment of the question of human rights.

28. **Mr. Abdullah** (Malaysia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that ASEAN wished to state that the informal exchange with the European Union in the speaking order did not change the stance adopted by ASEAN on the issue of principle faced by the Committee. He reiterated that ASEAN considered that major groups, represented by a Member State, should speak before Permanent Observers.

29. The fact that the ASEAN Member States had diverse political systems added to their determination to find the most equitable formula to express their commitments to the same shared aspirations and common desire to promote democracy, human rights, fundamental freedoms, the rule of law and good governance. To that end, the ASEAN Charter, which had entered into force on 15 December 2008, listed the key principles and purposes of the Association and paved the way for the realization of the ASEAN Community by 2015. The Charter accorded ASEAN legal personality, established greater institutional accountability, and reinforced its position as a serious regional player. The ASEAN Intergovernmental Commission on Human Rights (AICHR) had been established in October 2009 as an intergovernmental body working through consultation and consensus, in the long-held tradition of ASEAN, non-confrontational, positive and constructive engagement being more generally appreciated in view of the region's different cultures, religions and traditions.

30. In April 2010, the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children was inaugurated. It took into consideration the different historical, political, socio-cultural, religious and economic contexts of the region and sought to balance rights and responsibilities. Moreover, it aimed to promote the well-being, development, empowerment and participation of women and children in the ASEAN community-building process.

31. **Mr. Samarasinghe** (Sri Lanka) thanked the Chair for exemplary way he had handled the negotiations on the speaking order. It was always worthwhile to defend a principled position and he was happy to note that, at least for the time being, a consensus appeared to have been reached so that proceedings could continue.

32. His country was ushering in an era of peace, prosperity and progress based on equitable development and national healing, after nearly three decades of internal armed conflict. His Government's long-term goal was a Sri Lankan people free of the fear of terrorism and united without consideration of creed, language, ethnic or cultural background or other grounds. Since the defeat of the Liberation Tigers of Tamil Eelam (LTTE) the Government had invested heavily in public infrastructure and education, vocational training, health and other governmental services. The Government's programmes had enabled 95 per cent of the persons displaced by the conflict to return successfully to their homes, while the remainder were waiting for their land to be demined. The gross domestic product of the local economy in the north of the country had risen by 22 per cent, compared to the national average of 8 per cent, which demonstrated the spirit of enterprise and renewal that pervaded in the newly conflict-free areas.

33. Steps had been taken to address the question of reconciliation, which was a prerequisite for peace. The Lessons Learnt and Reconciliation Commission had been established, based on international best practices, and endowed with a wide mandate to make recommendations for reconciliation, restitution for victims and to prevent conflict from breaking out again. The final report of the Commission was expected shortly and its interim recommendations had already been implemented.

34. His delegation wished to raise the subject of the working methods and practices of the Human Rights Council, in particular the issue of transparency and fairness in relation to its support structure and ancillary offices, including the special procedures and mechanisms. In September 2011, his country was faced with a unique situation when it came to light that a

report on Sri Lanka, initiated by the Secretary-General, had purportedly been communicated to the United Nations High Commissioner for Human Rights and the President of the Human Rights Council. The manner in which that document was communicated, without notifying the country concerned, caused great concern, especially as a particular regional group had been made aware of the report by the High Commissioner for Human Rights before it had been transmitted to the President of the Council. Apart from the fact that no intergovernmental body had requested or sanctioned the formation, functioning or reporting of the Secretary-General's Panel of Experts, the report itself was irretrievably flawed. His delegation had vigorously asserted that it would set a very bad precedent if that document were presented to the Council, and fortunately that counsel had prevailed. There had also been attempts to second-guess and call into question the work and forthcoming conclusions of the Commission's deliberations. There had even been a call for the report of the Commission to be discussed during the nineteenth session of the Human Rights Council in 2012, mere months after it was due to be finalized. However, he reminded the Committee that his country would be undergoing the universal periodic review in October 2012; therefore, all questions could be discussed at that time.

35. His country was more than willing to engage openly with parties that were genuinely interested in discussing the truth, but it was opposed to any unjustified attempts to denigrate the work of the Lessons Learnt and Reconciliation Commission, before it had finalized its work and submitted its findings to the Government. The suggestion that a domestic process should be analyzed and discussed at the international level, before it had reached its natural conclusions, and the ramifications it could have for other contexts, must be treated with extreme caution and dealt with appropriately.

36. **Mr. Goddard** (United States of America) said that in 2010, his country had joined over 60 other delegations at the fifteenth session of the Human Rights Council to establish the mandate of the Special Rapporteur on the right to freedom of association and peaceful assembly. That right was central to a healthy civil society and the democratic process. New technologies meant that persons could assemble and associate both in person and online. Unfortunately, some countries continued to deny their citizens that right, notably Syria, Iran, Burma, the Democratic People's Republic of Korea and Cuba. Despite the Syrian authorities' rhetoric of reform and dialogue, the forces acting for the regime were responsible for mass arrests, torture, targeted killings and arbitrary executions and detentions, including of young children; actions which the High Commissioner for Human Rights had said could be crimes against humanity. The Iranian regime had harassed, abused, intimidated, detained and sentenced human rights defenders, civil society actors, student activists, artists and thousands of individuals without cause or due process of law, including opposition leaders, notably Mir-Hossein Mousavi and Mehdi Karroubi and their wives, and continued to hold more than 100 juveniles on death row, in contravention of the international human rights conventions to which it was party. The authorities blocked access to thousands of websites, jailed opposition bloggers and monitored individuals' private Internet communications. Members of ethnic and religious minorities continued to face abuse, restrictions on their right to practice their faith and to equal treatment and some, such as Pastor Nadarkhani, had been sentenced to death for their religious beliefs.

37. While his Government welcomed the recent release of some political prisoners in Burma, the Burmese Government continued to hold many others and to subject ethnic and religious minority populations to discrimination and attacks, which had resulted in thousands of displaced persons over the past five decades.

38. **Mr. Kyaw** (Myanmar), speaking on a point of order, asked the Chair to request representatives to use his country's official name, as it had been named incorrectly by the representative of the United States of America. He considered the use of the incorrect name to be an insult both to his country and also to the Committee of the United Nations.

39. **The Chair** appealed to all representatives to use the official United Nations names of countries.

40. **Mr. Goddard** (United States of America) said that he respectfully disagreed with the representative of Burma. The Burmese Government also targeted political activists and censored the media. It was hoped that the reform of the labour law would comply with International Labour Organization standards, but the authorities continued to jail trade unionists. Similarly, the citizens of the Democratic People's Republic of

Korea were denied the freedoms of religion, expression, assembly, association and movement, and their worker's rights were not respected. The authorities severely restricted the flow of independent information into, out of, and within the country, including the Internet.

41. His delegation noted with sadness the death of Laura Pollán, founder of the Damas de Blanco, an organization that fought for the right to peaceful assembly and for the rights and freedom of political prisoners, despite the active harassment of the Cuban authorities. He called on the Cuban Government to release Alan Gross immediately and unconditionally.

42. Finally, while his delegation welcomed China's increasingly important role on the world stage, he noted that China harassed and detained its citizens, notably Nobel Peace Prize laureate Liu Xiaobo, for expressing dissenting viewpoints, labelling them as dangers to state security or even terrorists. The authorities blocked many social networking sites and Internet searches. Severe restrictions were in place for civil society organizations, trade unions and religious groups, which threatened in particular the unique religious, cultural and linguistic identity of Tibetans.

43. **Mr. Sparber** (Liechtenstein) said that the recent heroic struggles in the Arab world had shown that Governments could not stand forever in the way of their people's full enjoyment of fundamental rights and freedoms. It had become clear that those Governments that continued to respond to the call of their people with oppression and violence had irreparably damaged their legitimacy. In those countries were change had occurred, the international community and the United Nations had a particular responsibility to help ensure that those changes were irreversible and to bring those responsible for crimes against international human rights and humanitarian law to account.

44. Once again the High Commissioner for Human Rights had been instrumental in raising awareness of human rights emergencies in a non-selective and facts-based manner, and creating political momentum to address many grave human rights violations. Unfortunately, politics had sometimes come in the way of effective follow-up. The Human Rights Council had reacted swiftly to address emergency human rights situations in Côte d'Ivoire, Libya and the Syrian Arab Republic, which had strengthened its authority and relevance. The recent, largely technical review of the Council was an expression of the increased support for its work and functioning. His delegation considered that the most important responsibility facing the Council was to implement the recommendations of the universal periodic review during the second cycle of the peer review.

45. His country would continue to work for the independence of the High Commissioner for Human Rights and of the system of special procedures of the Human Rights Council. It welcomed efforts to enhance transparency in the staffing, execution and financing of those mandates. However, unforeseen and extraordinary expenses arising from urgent human rights mandates had a direct negative impact on other activities of the Office of the High Commissioner of Human Rights (OHCHR). It was hoped that the Fifth Committee would address that situation and provide OHCHR with access to the unforeseen and extraordinary expenses mechanism.

46. His delegation supported a strong and independent treaty monitoring body system; however, the current backlog of work was detrimental to the call for timely reporting on the comprehensive implementation of the major human rights treaties. That was particularly unacceptable when it came to consideration of urgent individual complaints. He called for more innovative approaches to rationalize the proceedings of the Treaty-based bodies, such as meetings in parallel chambers. More must also be done to decrease the reporting burden on States. His delegation was looking forward to the report of the High Commissioner for Human Rights in that regard and welcomed recent initiatives to launch a constructive dialogue between the Treaty-based bodies and Members States.

47. *Ms. Popovici (Republic of Moldova) took the Chair.*

48. **Mr. Ndiaye** (Senegal) said that the principle that Member States expressed themselves before the Permanent Observers should be respected, as had been reaffirmed by the African Group.

49. Efforts to resolve conflicts, consolidate peace and establish harmonious development would be in vain unless States could eradicate all forms of discrimination. The recent global economic, financial and food crises had affected the most vulnerable members of society and had had a negative impact on the human rights situation in many countries. In that

context, respect for and protection of the rights of minorities, women, children and migrants, who were often the first victims of intolerance, were challenges that must command Governments' attention and guide their actions. Therefore, his Government had devoted more than 40 per cent of the national budget to the education sector and 10 per cent to health, thus opting for a proactive approach to ensure that the Senegalese people, particularly the vulnerable groups, enjoyed their rights fully.

50. It was unrealistic to expect continuous evolution in the field of international human rights law. Governments should focus on education, prevention and cooperation to promote human rights, as such measures often produced significant results. However, the international community should, at all costs, avoid establishing a model culture or community, disregarding other peoples' beliefs and values.

51. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) said that his country had reduced extreme poverty from 21 per cent in 1998 to 7.1 per cent in 2010, and was the least unequal country in Latin America, according the Gini coefficient. It had already met almost all of the Millennium Development Goals, four years early. During the recent universal periodic review, his country had been widely recognized for the way it guaranteed and respected human rights. The strictest respect for democratic freedoms prevailed in Venezuela.

52. One week earlier, the National Assembly had approved an Act to punish politically motivated crimes, disappearances, torture and other human rights violations during the period 1958-1998, which established regulations that allowed the State to expedite the investigation of human rights violations planned by the Government during that period and to ensure justice and reparations for the victims.

53. On 20 October 2011, the whole world had watched in amazement as the Libyan leader, Muammar Gaddafi, was captured near the city of Sirte; wounded, brutally tortured and, finally, extrajudicially murdered. It was clearly a war crime and those responsible must be brought to justice. Systematic human rights violations against real or suspected supporters of Gaddafi had been denounced by various organizations. He commended the fact that important world leaders and high-ranking officials of the United Nations had condemned the extrajudicial killing of Muammar Gaddafi. It was reprehensible, however, that the leaders of the North Atlantic Treaty Organization (NATO) had applauded his murder, perpetrated by mercenaries trained, armed and financed by the imperialist powers of NATO. His Government called for an impartial and independent international investigation into those heinous acts and for the immediate and total withdrawal of NATO forces from Libya. It was politically, legally and morally unjustifiable and reprehensible that Security Council resolution 1973 (2011) had been used to destroy a country, to implement regime change and to commit the extrajudicial murder of the leader of an African, developing and Southern nation.

54. **Mr. Wetland** (Norway) said that Norway stood ready to support countries in North Africa and the Middle East to promote respect for human rights, the rule of law, reforms and democratic rule. He noted that the human rights situation in Syria had continued to deteriorate despite strong international condemnation and welcomed the efforts of the League of Arab States to halt the aggression of the Syrian authorities against their own people. He called on the Syrian Government to end the violence immediately, to stop arresting and torturing political dissidents and to respect its human rights obligations. He also condemned the Yemeni authorities' use of violence against the civilian population and called on the Government to protect peaceful protesters, to refrain from brutal violence and to bring those responsible to justice. His delegation was also concerned by the reports of human rights violations in Bahrain and called on the Bahraini authorities to investigate the allegations properly.

55. The recent positive developments, including on human rights issues, in Myanmar were welcome. However, the lack of capacity was a greater impediment to the successful implementation of the reforms than a lack of political will. Therefore, the international community should engage in capacity-building efforts in Myanmar to further support and promote human rights. Nevertheless, persistent reports of grave human rights violations in those areas of the country affected by armed conflict were a cause for concern. His delegation acknowledged and supported the Government's efforts to engage in dialogue with the armed groups, and stressed that the international community should monitor the situation closely. It also called for the release of all remaining political prisoners and for the International Committee of the

Red Cross (ICRC) to be allowed full access to carry out an independent assessment of the actual number of political prisoners.

56. His Government was deeply concerned about the serious human rights situation in the Democratic People's Republic of Korea. He acknowledged its participation in the universal periodic review, but it was a matter of concern that it had not given any response to the 117 recommendations or signalled any intention to follow up. His delegation would like to emphasize the importance of cooperating with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and other international partners. Moreover, given the serious humanitarian situation in the country, it was important that international humanitarian organizations must be granted free access to do their work.

57. Human rights defenders deserved the support of the international community for their important work. The issue of protection of and assistance for internally displaced persons continued to be one of the major humanitarian and human rights challenges facing the world. Another serious global challenge was discrimination on the basis of sexual orientation or gender identity. His delegation welcomed the decision of the Human Rights Council to commission a study to document discriminatory legislation and practices as well as acts of violence against individuals based on their sexual orientation and gender identity. It was the duty of Governments to recognize the gap between their aspirations and achievements in the field of human rights. They must be able to take a critical view of their own actions and show willingness to listen to constructive criticism.

58. **Mr. Srivali** (Thailand) said that his delegation considered that the informal exchange in the speaking order between ASEAN and the European Union did not and should not constitute a precedent and it supported the Chair's interim measures, based on the principle that major groups should speak before observer entities.

59. The Thai Constitution guaranteed the rights and freedoms of the Thai people to participate in politics, governance, the formulation of public policy, and economic and social development planning. The second National Human Rights Plan of Action (2009-2013) aimed to strengthen the human rights network, raise awareness of human rights and align human rights protection with international standards. His Government's commitment to attaining social equality had led to the achievement of the Goal to eradicate extreme poverty and hunger and had also reduced socio-economic gaps, empowered women, improved access to and the quality of health care, increased literacy rates and resulted in unprecedented participation in the last general election.

60. In Thailand, the promotion and protection of human rights applied to everyone who contributed to the country's economic development. The Employment of Aliens Act ensured that migrant workers enjoyed the same welfare and legal protections as Thai nationals. It also imposed heavier penalties on employers found guilty of trafficking in persons and forced labour. The Anti-Trafficking in Persons Act provided assistance and compensation regardless of the status of victims. Thailand had implemented mechanisms to register and regularize all illegal migrant workers, and had signed memorandums of understanding with neighbouring countries to promote safe, secure and documented migration. Moreover, children accompanying their migrant parents were entitled to State compulsory education. The draft basic principles of the Special Rapporteur on trafficking in persons, especially women and children on the right to an effective remedy for victims of trafficking were extremely relevant and were useful guidelines for States Members.

61. Despite those achievements, there was still much to be done to improve human rights protection in Thailand. Notably, his Government was working to define torture and make it an offence under domestic law. The judicial and criminal justice systems were in the process of being reformed to encourage more public participation, greater accountability and to introduce measures to prevent impunity. Training courses on human rights monitoring methodologies had been carried out with the support of the OHCHR. His country had also been active in various international forums to promote and protect human rights and was committed to supporting the work of the AICHR and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

62. **Mr. Wang** Min (China) said, with regard to the speaking order of major groups, that it was his understanding that the speaking order for the current meeting was an interim arrangement. China believed that major groups represented by sovereign States should take priority in the speaking order.

63. The task of attaining the Millennium Development Goals had become more challenging due to the international economic and financial crisis, food and energy insecurity, natural disasters, inequalities between the North and South, and trade barriers. He deplored the increase in cases of incitement to racial and religious hatred and discrimination against migrants. It was a matter of deep concern that human rights endeavours continued to be plagued by double standards and politicization, with a small number of countries using country-specific resolutions to put pressure on developing countries and using them as an excuse to interfere in the internal affairs of other countries.

64. To resolve that situation, China recommended, first, that Member States should adhere strictly to the purposes and principles of the Charter of the United Nations. The sovereignty and territorial integrity of countries should be fully respected. The international community should respect the political system a country had chosen of its own accord, the path of human rights development it pursued and the diversity of civilizations. Second, States should abandon practices of politicization and double standards on human rights issues and treat human rights issues in a fair, objective and tolerant manner. Third, the international community should engage in human rights dialogue and cooperation on the basis of equality and mutual respect. Countries had different interpretations of human rights and faced different challenges as a result of their level of economic and social development and cultural traditions. However, diversity should be regarded as an opportunity to learn from one another, rather than as an excuse for big, rich countries to bully small, poor ones. Fourth, greater emphasis should be put on realizing the right to development, as it was the basis for all other human rights. Fifth, countries should eliminate all forms of discrimination and safeguard the rights of vulnerable groups. The international community should fully implement the Durban Declaration and Programme of Action, and adopt a "zero tolerance" stance on racism. Sixth, the human rights work of the United Nations should be improved further. He welcomed the completion of the first round of the universal periodic review of all 193 States Members by the Human Rights Council and hoped that it would become a platform for dialogue and the exchange of experiences on an equal footing. The OHCHR should act in an objective and fair manner, increase the transparency of its work and accept the monitoring of the Human Rights Council. It was essential to consult States Parties on the reform of the Treaty-based bodies and strengthen dialogue and exchanges with the countries concerned.

65. He rejected the criticisms of the representatives of the United States of America and the European Union. China had found a path for human rights development that suited the country's national conditions and characteristics. The fortieth anniversary of China's restoration to its lawful seat in the United Nations had been observed in 2011. Over those four decades, his country had actively participated in international human rights exchanges and cooperation, and had enriched the human rights concepts and practices of the United Nations with its own mode of human rights development. China had ratified or acceded to 25 international human rights conventions and maintained sound relations with the relevant Treaty-based bodies. Lastly, his country would continue to strengthen its human rights exchanges and cooperation with all countries on the basis of equality and mutual respect, to strive to increase mutual understanding and to resolve disputes.

66. **Mr. de Alba** (Mexico) said that his country had received five mandate holders of the Organization of American States and the United Nations, whose recommendations had led to structural changes at the national level, notably the constitutional reforms concerning human rights and amparo. As a result, any person could initiate proceedings for violations of internationally recognized human rights, and the rights contained in the international treaties to which Mexico was party were given constitutional status. Similarly, the Supreme Court had established that all judicial decisions must be consistent with those instruments and judgments of the Inter-American Court of Human Rights. The domestic legal framework had been reformed to establish the obligation of the State to prevent and remedy human rights violations; to include respect for human rights as a principle of public education; to make the promotion and protection of human rights one of the guiding principles of Mexico's foreign relations; and, to strengthen the authority of the National Human Rights Commission and the autonomy of the 32 local commissions. Those reforms were a result of cooperation between the Government, civil society and international mechanisms.

67. It was necessary to promote greater synergy between the work of the Human Rights Council and the

General Assembly, to avoid unnecessary duplications and make the most of complementary efforts on certain issues.

68. As a country of origin, transit and destination for migrants, Mexico stressed the importance of addressing the opportunities and challenges produced by migration with a comprehensive approach, focused on protecting migrants and their families, based on the fundamental principle that human rights were universal and that everyone had the right to their full enjoyment in any country, independent of their migration status. He expressed concern that some States had adopted legislation that criminalized migration. His delegation supported the work of the High Commissioner for Human Rights and the new Special Rapporteur on the human rights of migrants to ensure that efforts to combat discrimination against migrants were given priority.

69. Additional meeting time should be granted to the Committee on the Rights of Persons with Disabilities, to enable it to carry out effectively its important work of ensuring that the principles and rights established in the Convention on the Rights of Persons with Disabilities were observed at the national level. His delegation also sought to strengthen the complementarity of initiatives to promote the respect of human rights in the fight against terrorism, presented by Mexico for consideration to the Human Rights Council and the General Assembly. Such initiatives were the only way to ensure the effectiveness and legitimacy of those measures. International cooperation was an important aspect in that fight; thus it was appropriate that the relevant United Nations bodies should promote the exchange of good practices, including those identified by the Special Rapporteur.

70. **Mr. Rishchynski** (Canada) said that his Government was in the process of establishing an Office of Religious Freedom within the Department of Foreign Affairs and International Trade, which would promote the protection of freedom of religion as a key objective of Canadian foreign policy. His delegation remained concerned about the plight of religious minorities, notably in Egypt, Pakistan and China. He welcomed the commitment by the Egyptian Government to bring those responsible for sectarian violence between Muslims and Copts to justice and the announcement of a new law that would increase the penalties for discrimination.

71. Global efforts to promote and protect human rights were imperilled by continued violations around the world. In particular, his delegation was deeply concerned by human rights violations in Iran, including the execution of minors, the persistent suppression of women's rights and restrictions on the freedom of religion. His Government called on the Syrian authorities to put an end to the violence in that country, release all political prisoners, grant free and unfettered access to the Human Rights Council commission of inquiry and meet the demands of the Syrian people for a democratic Syria that respected the rights of all its citizens. Canada stood with the people of Syria in their peaceful efforts for democracy, human rights and the rule of law, and reiterated its call that President Assad should step aside. His delegation was concerned that the underlying sources of conflict in Sri Lanka were not being addressed and supported calls for an independent investigation into credible allegations of international humanitarian law and human rights violations committed by both parties to the armed conflict, as recommended by the Secretary-General's Panel of Experts on Accountability in Sri Lanka.

72. His delegation shared the concerns of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and called on the authorities to facilitate the Special Rapporteur's work and to allow him access to the country. Canada also continued to monitor the situation in Burma closely.

73. **Mr. Kyaw** (Myanmar) speaking on a point of order, asked the Chair to request representatives to use his country's official name, as it had been named incorrectly by the representative of Canada.

74. **The Chair** appealed to all representatives to use the official United Nations names of countries.

75. **Mr. Rishchynski** (Canada) said that he welcomed the release of a number of political prisoners and the meetings held between Daw Aung San Suu Kyi and high-level Government officials. However, several important issues remained unresolved. He called for the prompt and unconditional release of the remaining political prisoners and an end to discrimination against religious minorities, and urged the authorities to engage in inclusive dialogue with the opposition and ethnic groups and to promptly and fully investigate allegations of human rights abuses by Government or military personnel. The international community must

also follow developments in Belarus closely and take every possible step to persuade its Government to respect international human rights law.

76. Lastly, his delegation recognized that despite progress made, girls continued to be at greater risk of being exposed to various forms of violence, including rape and genital mutilation. He hoped that the proclamation of an International Day of the Girl by the General Assembly would focus further attention on the situation of the girl child and on the promotion of girls' rights.

77. **Mr. de Séllos** (Brazil) said that the world was witnessing profound and accelerated political and economic transformations. The response to such challenges must be based on a human rights approach, and the United Nations was uniquely positioned to provide Member States with the space to work together with a view to overcoming obstacles to the promotion and protection of all human rights and fundamental freedoms. The first cycle of the universal periodic review had shown that no country had a flawless record in the promotion of human rights. All States should engage constructively in dialogue and accept criticism.

78. A country's particularities or challenges, whether cultural, economic, social or political, should not serve as a pretext for disregarding basic human rights. Moreover, the international community should condemn gross human rights violations wherever they occurred in a manner that was consistent with the principles of universality, objectivity and non-selectivity. However, he cautioned against establishing an automatic link between human rights protection and coercive measures. Human rights could not serve as a pretext for unilateral action that bypassed international law. The international community must ensure that the force of values was greater than the value of force.

79. In the view of his delegation, there was no hierarchy between economic, social and cultural rights on one hand and civil and political rights on the other. It reaffirmed the universal, indivisible, interrelated, interdependent and mutually reinforcing nature of all human rights and fundamental freedoms.

80. **Ms. Zolotova** (Russian Federation) said that despite the indisputable progress made since the adoption of the Universal Declaration of Human Rights, the modern globalized world was characterized by a steady growth in phenomena which had an adverse impact on the promotion and protection of human rights. The global financial, economic and food crises, terrorism, natural and man-made disasters and regional upheavals were posing an increasing threat to fundamental values, and human rights themselves were being used as an instrument of political pressure and interference in internal affairs with a view to achieving short-term goals. Those challenges and threats confirmed the inseparable link between development, security and human rights and made it necessary to take a fresh look at human rights protection and pay due attention to economic, social and cultural rights, and also the effective implementation of the right to development, especially in view of the twenty-fifth anniversary of the adoption of the Declaration on the Right to Development.

81. On the sixty-fifth anniversary of the Nuremberg verdicts, it was all the more saddening that racist and extremist groups were becoming increasingly active in many countries. Tolerance of the glorification of those involved in Nazi crimes, along with indifference and inaction of the international community, were giving rise to attempts to falsify history. Her delegation believed that the tendency, in the national legislation of a number of countries, to incorporate an arbitrary interpretation of historical events, designed to benefit political ambitions and short-term goals, would lead to an abandonment of international human rights obligations and create fertile ground for the popularization of theories of racist supremacy.

82. The experience gained by multi-ethnic and multi-faith States, including the Russian Federation, could be used to reconsider existing approaches to the values which had traditionally bound various societies and contributed to their development. Care must be taken to avoid the forcible export of standards which were characteristic of only one group of States in the guise of universal standards. It was inadmissible to promote artificial contradictions and clashes of values which could be mutually enhancing. The universality of human rights was indisputable and indivisible, but it was also necessary to take into account values that were traditional for various civilizations and legal systems and helped strengthen human rights and dignity. Universal foundations built up over the centuries must not be destroyed in the heat of revolutionary democratization.

83. Human rights had a powerful unifying potential. Concepts such as dignity, individual freedom and

responsibility, justice and equal rights should be an effective means of bringing together States, peoples and civilizations and facilitating dialogue and cooperation.

84. **Mr. Dabbashi** (Libya) said that the Universal Declaration of Human Rights and related international instruments contained the same general ethical principles as those professed by the great religions and schools of philosophy. Accordingly, they deserved to be universally applied.

85. Failure to respect human rights could lead to appalling crimes, as the agony that Libya had endured in recent months clearly showed. For forty years, the Libyan people had been under the oppressive rule of a tyrant. When they had demonstrated peacefully to demand their rights, they had been fired upon. Over 30,000 had been killed and over 50,000 injured; torture, imprisonment and execution without trial had been rife, and thousands of homes and other buildings had been destroyed.

86. A fact-finding mission sent by the Human Rights Council had determined that Colonel Gaddafi's forces and mercenaries had committed war crimes and crimes against humanity. The regime's media had falsely accused the insurgents of those very crimes, and it was unfortunate that there were some who had been misled by such propaganda. At most, in some very exceptional cases, excesses might have been committed. The Libyan insurgents who had taken up arms had been ordinary citizens who had had to defend themselves, and they had behaved with discipline for the most part. Nonetheless, any allegations of human rights violations would be investigated, and anyone found guilty of having committed such a violation would be tried and punished.

87. It was regrettable that the representative of Venezuela had described the Libyan people as mercenaries. No self-respecting diplomat could make such a remark, unless he was himself a mercenary in the service of a dictatorship.

88. The fall of the Gaddafi regime had been a watershed moment in the history of the Libyan people and the point of departure for a new, democratic Libya that would respect human rights and would support all those whose rights were violated, wherever they might be.

89. **Mr. Kodama** (Japan) said that his country engaged in human rights dialogue with ten countries. In doing so, it took a positive linkage approach based on respect for the history, culture and traditions of each. In its opinion, the special procedures mandated by the Human Rights Council and the universal periodic review facilitated dialogue between the countries and the international community. Serious and continuous violations of human rights should be addressed not only by the Council but also by the General Assembly, as a universal body with a wide membership.

90. The adoption by consensus of the Human Rights Council resolution on advisory services and technical assistance for Cambodia had been a good example of dialogue and cooperation. His delegation appreciated the efforts by the Cambodian Government to develop an action plan to follow up on the recommendations of the universal periodic review and encouraged it to take further steps to improve the human rights situation in Cambodia, with the assistance of the international community.

91. His delegation was gravely concerned by the human rights violations in the Democratic People's Republic of Korea. It was disappointed that the Government showed no intention of responding to the recommendations of the universal periodic review and refused to cooperate with the United Nations human rights mechanisms. Moreover, the authorities had taken no concrete action to investigate cases of abduction, including that of 12 Japanese citizens. He urged the Democratic People's Republic of Korea to commence a comprehensive investigation of those cases, in accordance with the 2008 agreement, without further delay.

92. He welcomed the developments toward democratization and national reconciliation in Myanmar and called on the international community to engage with and assist the Government, in order to improve the human rights situation. Japan would continue to encourage Myanmar to take further positive steps in that process. It also appreciated the participation of the Iranian Government in the seventh human rights dialogue with Japan earlier that year. However, it was concerned by the human rights situation in Iran, particularly the restrictions on the freedom of expression, executions by stoning, public executions and the execution of minors. He called on the Iranian Government to ratify the Convention

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women, and to allow the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran into the country.

93. The recent developments in the Middle East and North Africa created an opportunity to improve the human rights situation in the region. He welcomed the important step toward women's political participation in Saudi Arabia and congratulated Ms. Tawakul Karman for winning the Nobel Peace Prize. However, his delegation was concerned by the worsening human rights situation in Yemen. It was also deeply concerned by the persistent serious human rights violations in Syria. He called upon the Syrian Government to cooperate with the commission of inquiry established by the Human Rights Council. Lastly, his delegation sincerely hoped that the universal value of human rights would be respected in the new nation-building process in Libya.

The meeting rose at 1.10 p.m.